

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

EUGENE RODMAN,

Plaintiff,

vs.

MICHELE SNOWBERGER,

Defendant.

CV 22-118-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

United States Magistrate Judge Kathleen L. DeSoto filed Findings and Recommendations on December 12, 2022. (Doc. 5). Judge DeSoto recommended that the Court dismiss Plaintiff Eugene Rodman's Amended Complaint (Doc. 4) after he failed to pay the filing fee or provide an amended application to proceed in forma pauperis containing Rodman's financial information. (Doc. 5 at 2).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find Judge DeSoto committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by Judge DeSoto (Doc. 5) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Plaintiff's Amended Complaint (Doc. 4) is dismissed without prejudice .

DATED this 3rd day of January, 2023.



SUSAN P. WATTERS
United States District Judge